

BILL NO. G-87- 11-20

GENERAL ORDINANCE NO. G- 02-88

AN ORDINANCE amending the Thoroughfare
Plan of the City Comprehensive ("Master")
Plan by vacating an alley thereof.

WHEREAS, a petition to vacate a public alley within the
City of Fort Wayne (as more specifically described below)
was duly filed with the City Planning Commission; and

WHEREAS, said Commission duly held a public hearing
thereon; and

WHEREAS, said Commission has duly forwarded its
recommendation to this body approving said petition, all in
accordance with I.C. 36-7-4-512(2) and this body having held
a public hearing on said vacation as provided in I.C. 36-7-
4-12; and

WHEREAS, this body concurs in the recommendation of the
City Planning Commission.

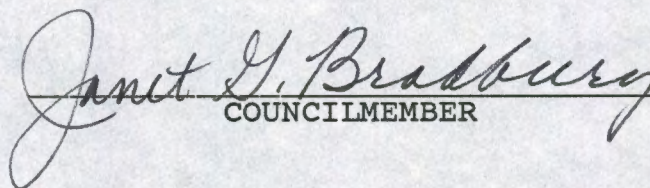
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the petition filed herein to vacate a
public alley within the City of Fort Wayne, more
specifically described as follows, to-wit:

That fourteen (14) foot concrete alley lying
between Lots Number 46 and 47 in Williams Addition
to the City of Fort Wayne.

and which vacating amends the Thoroughfare Plan of the City
Comprehensive ("Master") Plan and is hereby approved in all
respects.

SECTION 2. That this Ordinance shall be in full force
and effect from and after its passage, any and all necessary
approval by the Mayor.


COUNCILMEMBER

1 APPROVED AS TO FORM AND LEGALITY:

2 BRUCE O. BOXBERGER, CITY ATTORNEY

3 ** Public hearing to be held on _____,
4 the _____ day of _____, 1987,
5 in the Council Chambers.
6
7

8 Sandra E. Kennedy, City Clerk
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

FACT SHEET

G-87-11-20

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Alley Vacation Ordinance

APPROVAL DEADLINE**REASON****DETAILS****Specific Location and/or Address**

East-West alley between Calhoun, Butler & Williams and the 1st North-South alley East of Harrison Street.

Reason for Project

For future expansion of adjacent property owners business.

Discussion (Including relationship to other Council actions)

16 November 1987 - Public Hearing

William Troutner, petitioner, stated that his business sets adjacent to the alley and that he also owns the property on the other side of the alley. He wanted to vacate the alley so that sometime in the future in order to enlarge the business and build on the south side of the alley. He stated that vacating the alley would enhance the business and tie the properties together. He stated that they are the only ones that use the alley for access.

There

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

William Troutner

City Department

Other

Opponents**Groups or Individuals****Basis of Opposition****Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against☐ No Action Taken☐ For with revisions to conditions
(See Details column for conditions)**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other☐ Pass (as
amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

23 November 1987 - Business Meeting

Motion to return the ordinance to the Common Council with a DO PASS recommendation was made and motion carried.

Of the nine (9) members present 8 voted in favor of the requested vacation one (1) did not vote.

POLICY/ PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 6 October 1987

Projected Completion or Occupancy

Date 1 December 1987

Fact Sheet Prepared by

Date 1 December 1987

Patricia Biancaniello

Reviewed by

Date

14 December 1987

Reference or Case Number

Read the first time in full and on motion by Bradbury, seconded by Redd, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 11-24-87

S. E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Stier, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>8</u>			<u>1</u>
<u>BRADBURY</u>	<u>✓</u>			
<u>BURNS</u>	<u>✓</u>			
<u>GIAQUINTA</u>	<u>✓</u>			
<u>HENRY</u>	<u>✓</u>			
<u>LONG</u>	<u>✓</u>			
<u>REDD</u>	<u>✓</u>			
<u>SCHMIDT</u>				<u>✓</u>
<u>STIER</u>	<u>✓</u>			
<u>TALARICO</u>	<u>✓</u>			

DATED: 1-12-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 9-02-88

on the 12th day of January, 1988,

Sandra E. Kennedy ATTEST
SANDRA E. KENNEDY, CITY CLERK

SEAL
Thomas P. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 13th day of January, 1988, at the hour of 11:00 o'clock 11 M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 20th day of January, 1988, at the hour of 9:50 o'clock A M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

COMMUNITY DEVELOPMENT & PLANNING

No 2740

OK# 4833
FT. WAYNE, IND., 10-6 1987

RECEIVED FROM Barry McNaught \$ 100.00

THE SUM OF one hundred 00/ DOLLARS

ON ACCOUNT OF alleg vacation

HattB
AUTHORIZED SIGNATURE

BEFORE
CITY PLAN COMMISSION
CITY OF FORT WAYNE,
INDIANA

PETITION TO VACATE

COME NOW the Petitioners, C.W. Troutner and Shirley Ann Troutner, by counsel, Barrett & McNagny, and hereby respectfully petitions the Fort Wayne City Plan Commission to vacate the following portion of alley within the City of Fort Wayne, Indiana and hereby described as follows:

In support thereof, your Petitioner would represent as follows:

1. That they are the only owners of the real estate bordering both sides of the alley, and that the only other individuals or entities which may claim an interest in this Petition are:

- a). Interim Investments Corporation,
Owner of Lot 43 in Williams Addition to the
City of Fort Wayne - 435 1/2 East Berry St.
(property catercornered to the portion of
alley proposed for vacating).
- b). Adrienne F. Hendricks,
Owner of Lot 50 in Williams Addition to the
City of Fort Wayne - 122 W. Butler St.
P.O. Box 208 (property is catercornered to
that portion of alley proposed for vacating).

2. That the portion of the alley is not necessary as ingress or egress to other properties whatsoever.

3. That said portion of alley is unimproved.

4. That no other person, firm, or corporation, other than those mentioned in paragraph 1, are interested in or affected by the requested vacation.

5. That the maintenance of said portion of alley is not necessary or advantageous to the growth of the city of Fort Wayne and that it would be in the best interest of the city and citizens thereof.

Your Petitioners have filed this Petition pursuant to the authority granted in Indiana Code Section 36-7-3-12 in order to complete the vacation as described above.

WHEREFORE, your Petitioners pray that the portion of the alley above-described be vacated according to the provisions of the Indiana law pertaining thereto, and for all other just and proper relief in the premises.

DATED this 1 day of October, 1987.

C. W. Troutner
C. W. TROUTNER, Petitioner

Shirley A. Troutner
SHIRLEY ANN TROUTNER, Petitioner

Petitioners' Address: 2014 S. Calhoun St.
Fort Wayne, IN

STATE OF INDIANA)
COUNTY OF ALLEN) SS:

Before me, a Notary Public in and for said County and State this 1st day of October, appeared C. W. Troutner and Shirley Ann Troutner and acknowledged the foregoing to be true and to be the voluntary act and deed of C. W. Troutner and Shirley Ann Troutner for the uses and purposes therein mentioned.

Donna L. Newhouse
Donna L. Newhouse Notary Public

My Commission Expires:
4-27-90

Resident of Allen County, IN

This instrument prepared by Michael P. O'Hara, Attorney at Law
215 East Berry Street, P.O. Box 2263, Fort Wayne, IN 46801

RESOLUTION 77-200-3

WHEREAS, C.W. AND SHIRLEY ANN TROUTNER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley in Fort Wayne, Allen County, to-wit:

That fourteen (14) foot concrete alley lying between Lots Number 46 and 47 in Williams Addition to the City of Fort Wayne.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of a dedicated alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated alley hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public alley hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of public utility easement or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)

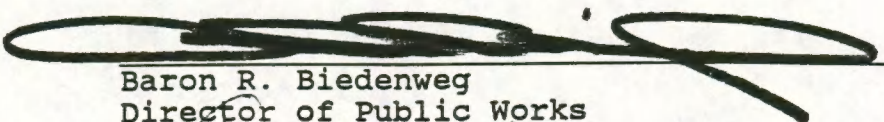
) SS:

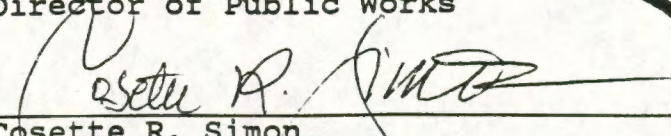
COUNTY OF ALLEN)

I, Baron R. Biedenweg, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held December 9, 1987 and as same appears of record in the official records of the Board of Public Works.

DATED THIS 9th DAY OF December 1987

FORT WAYNE BOARD OF PUBLIC WORKS


Baron R. Biedenweg
Director of Public Works


Cosette R. Simon
Director of Administration & Finance

RESOLUTION

WHEREAS, C.W. AND SHIRLEY TROUTNER have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following alley in Fort Wayne, Allen County, to-wit:

That fourteen (14) foot concrete alley lying between Lots Number 46 and 47 in Williams Addition to the City of Fort Wayne.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on November 16, 1987 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said alley.

WHEREAS, said vacation of public alley has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said alley hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said alley or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said alley in Allen County, Indiana.

STATE OF INDIANA))
COUNTY OF ALLEN) SS:

I, Robert Hutner, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held November 23, 1987, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 11 DAY OF December 1987

FORT WAYNE CITY PLAN COMMISSION

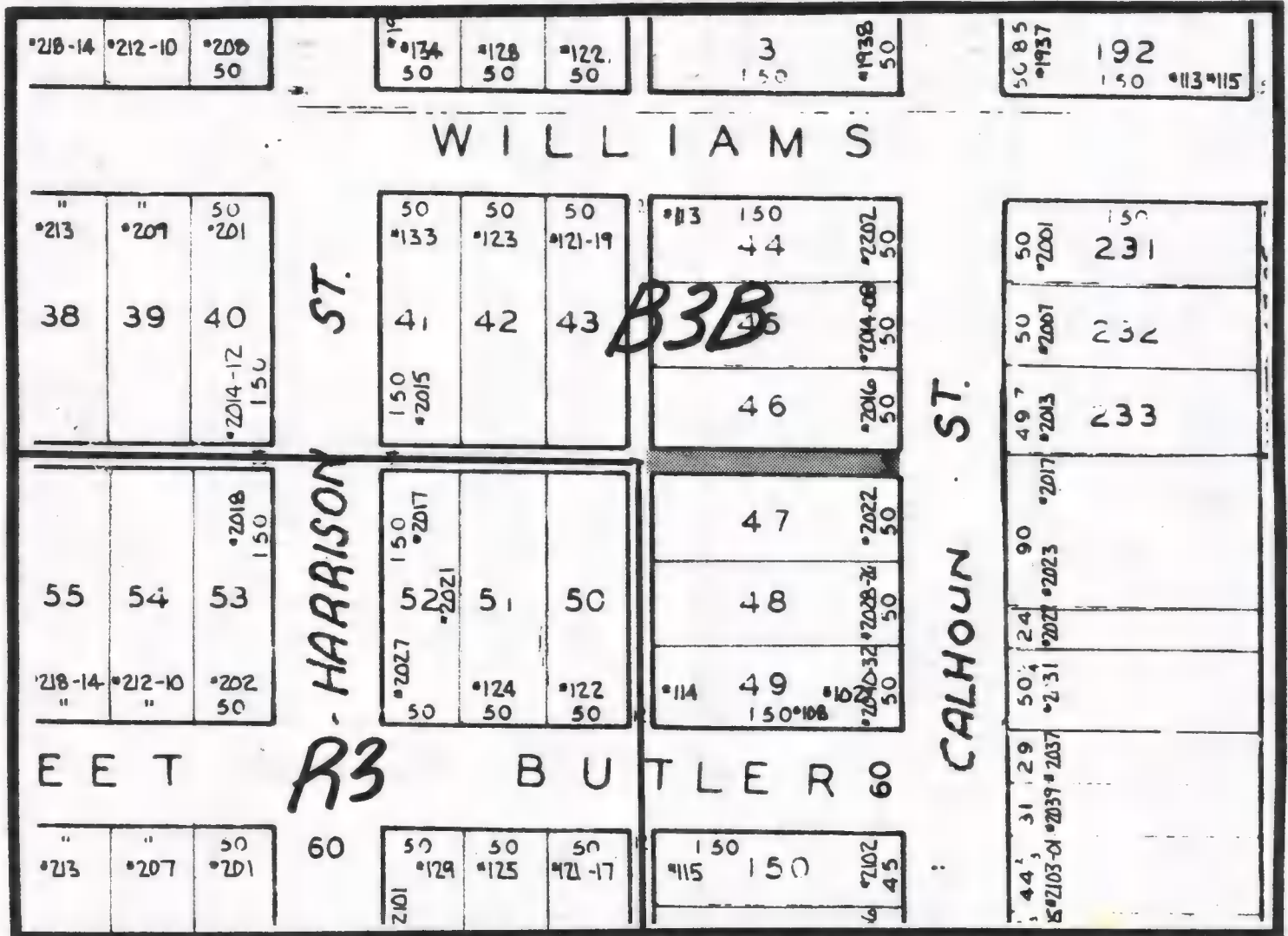
Robert Hutter
Robert Hutter, Secretary

VACATION PETITION

A PETITION TO VACATE THE DESCRIBED PUBLIC ALLEY.

MAP NO. M-6

COUNCILMANIC DISTRICT NO. 1



ZONING:

LAND USE:

B3B GENERAL BUSINESS 'B'

R3 RESIDENTIAL DISTRICT

SCALE: 1"=100'

DATE: 11-1-87



ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Alley Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE An East-West alley between Calhounn, Butler and Williams Street and East of the first North-South alley East of Harrison Street.

2-87-11-20

EFFECT OF PASSAGE Property is presently a dedicated right-of-way. Property will be vacated and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain dedicated right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. G-87-11-20

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUTION) _____
amending the Thoroughfare Plan of the City Comprehensive
("Master") Plan by vacating an alley thereof

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION) No Pass

YES

NO

Janet G. Bradbury JANET G. BRADBURY
Mark E. GiaQuinta CHAIRPERSON
Charles B. Redd MARK E. GIAQUINTA
David C. Long VICE CHAIRMAN
Paul M. Burns CHARLES B. REDD
DAVID C. LONG
PAUL M. BURNS

CONCURRED IN 1-12-88

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

2. PORTION OF DEDICATED ALLEY

That fourteen (14) foot concrete alley lying between Lots Number 46 and 47 in Williams Addition to the City of Fort Wayne.

All interested persons are invited to attend.

FORT WAYNE CITY PLAN COMMISSION

Robert Hutner
Secretary

Agent:

Michael O'Hara
215 E. Berry St.
P.O. Box 2263
City 46801



THE CITY OF FORT WAYNE

December 18, 1987

Ms. Marilyn Romine
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Romine:

Please give the attached full coverage on the date of
December 22, 1987, in both the News Sentinel and Journal
Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. G-87-11-20
Bill No. G-87-11-21
Bill No. G-87-10-12

Please send us 4 copies of the Publisher's Affidavit from
both newspapers.

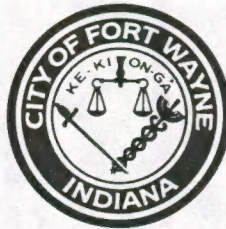
Thank you.

Sincerely yours,


Sandra E. Kennedy
City Clerk

SEK/ne
ENCL: 3

All America City



Most Livable City

THE CITY OF FORT WAYNE

December 18, 1987

Mr. Michael O'Hara
215 E. Berry Street
P.O. Box 2263
Fort Wayne, IN 46801

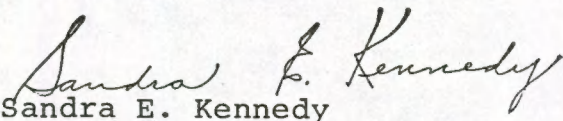
NOTICE OF PUBLIC HEARING ON BILL NO. G-87-11-20

You are hereby notified that the Common Council of Fort Wayne will conduct a public hearing on Tuesday, January 12, 1988, at 7:00 P.M., in the Common Council Conference Room 128, City-County Bldg., Fort Wayne, Indiana, on the following:

East-West alley between Calhoun, Butler &
Williams and the 1st North-South alley
East of Harrison Street

All interested persons are invited to appear and be heard. Any written material may be submitted to the Common Council prior to the hearing.

Fort Wayne Common Council


Sandra E. Kennedy
City Clerk

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-87-11-20)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, January 12, 1988, at 7:00 P.M., (E.S.T.) in Room 128, Common Council Conference Room, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

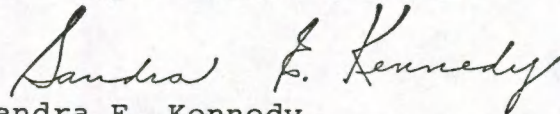
East-West alley between Calhoun, Butler &
Williams and the 1st North-South alley East
of Harrison Street

PORTION OF DEDICATED ALLEY

That fourteen (14) foot concrete alley
lying between Lots Number 46 and 47 in
Williams Addition to the City of
Fort Wayne

All interested parties are invited to appear and be heard.

Fort Wayne Common Council



Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To JOURNAL-GAZETTE
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head number of lines

3

Body number of lines

16

Tail number of lines

3

Total number of lines in notice

22

COMPUTATION OF CHARGES

22 lines, 1 columns wide equals 22 equivalent lines at .300¢ 6.60
cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (1.00 for each proof in excess of two) 2 extra 2.00

TOTAL AMOUNT OF CLAIM

8.60

DATA FOR COMPUTING COST

Width of single column 12.5 picas

Size of type 6 point

Number of insertions 1

Size of quad upon which type is cast 6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Drusilla Roose

Date Dec. 22 19 87

Title CLERK

FORM #904

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose

that he/she is CLERK of the

JOURNAL-GAZETTE

DAILY

a newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for one time

the dates of publication being as follows:

12/22/87

Drusilla Roose

Subscribed and sworn to me before this 22nd day of December 19 87

Shelley R. LaRue Notary Public

My commission expires March 3, 1990

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-87-11-20)

Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, January 12, 1988, at 7:00 P.M. (E.S.T.) in Room 128, Common Council Conference Room, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:

East-West alley between Calhoun, Butler & Williams and the 1st North-South alley East of Harrison Street

PORTION OF DEDICATED ALLEY
That fourteen (14) foot concrete alley lying between Lots Number 46 and 47 in Williams Addition to the City of Fort Wayne

All interested parties are invited to appear and be heard.

Fort Wayne Common Council
Sandra E. Kennedy
City Clerk

Fort Wayne Common Council

(Governmental Unit)

Allen

County, IN

To NEW-SENTINEL Dr.
P.O. BOX 100
FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines

Head	number of lines	3
Body	number of lines	16
Tail	number of lines	3
Total number of lines in notice		22

COMPUTATION OF CHARGES

22	lines,	1	columns wide equals	22	equivalent lines at	.300¢	\$ 6.60
cents per line							

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (1.00 for each proof in excess of two) 2 extra 2.00TOTAL AMOUNT OF CLAIM \$ 8.60

DATA FOR COMPUTING COST

Width of single column 12.5 picas	Size of type	6	point
Number of insertions	1	Size of quad upon which type is cast	6

Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date Dec. 22, 19 87Title CLERK

FORM #903

PUBLISHER'S AFFIDAVIT

State of Indiana
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned Drusilla Roose who, being duly sworn, saysthat he/she is CLERK of theNEWS-SENTINELa DAILY newspaper of general circulation printed and publishedin the English language in the city FORT WAYNE, INDIANA of

in state and county aforesaid, and that the printed matter attached hereto is a true copy,

which was duly published in said paper for one time the dates of publication being

as follows:

12/22/87Subscribed and sworn to me before this 22nd day of December, 19 87Shelley R. LaRue Notary PublicMarch 3, 1990

My commission expires

NOTICE OF PUBLIC HEARING
FORT WAYNE COMMON COUNCIL
(BILL NO. G-87-11-20)
Notice is hereby given that the Fort Wayne Common Council of the City of Fort Wayne, will conduct a public hearing on Tuesday, January 12, 1988, at 7:00 P.M. (E.S.T.) in Room 128, Common Council Conference Room, City-County Building, One Main Street, Fort Wayne, Indiana, more particularly described as follows:
East-West alley between Calhoun, Butler & Williams and the 1st North-South alley East of Harrison Street
PORTION OF DEDICATED ALLEY
That fourteen (14) foot concrete alley lying between Lots Number 46 and 47 in Williams Addition to the City of Fort Wayne
All interested parties are invited to appear and be heard.
Fort Wayne Common Council
Sandra E. Kennedy
City Clerk